

REMARKS

Applicant responds hereby to the outstanding Office Action mailed January 11, 2008, in the above-identified application. Claims 1-5 and 16-19 are amended hereby, and claims 6-11 and 13-15 are cancelled without prejudice or disclaimer of subject matter. Each of claims 1-5 and 16-19 remain pending hereinafter, where claims 1, 16, 18 and 19 are the independent claims.

Response To Rejections Under 35 USC §112

Claims 10-11, 14, 15 and 18-19 stand rejected under 35 USC §112, second paragraph, as indefinite. In response, applicant has cancelled each of claims 10, 11, 14 and 15 without prejudice or disclaimer of subject matter, and amends claims 18 and 19 to independent form. As amended, independent claims 18 and 19 are believed to comply with 35 USC §112, second paragraph, and applicant respectfully requests withdrawal of the rejection of amended, now independent claims 18 and 19.

Response To Rejections Under 35 USC §102(b)

Claims 1-11 and 13-19 stand rejected under 35 USC § 102(b) as anticipated by US Patent No. 5,623,490 to Richter. To support the rejection, the Examiner asserts that Richter teaches:

a data packet processing device (**Fig. 4, 7A and 7B**) for processing data packets received from a network, including:

a processor for processing data packets (inherent);

an interface operable for transmitting data packets to and from an external memory (**Read Queue 722**);

a scheduler (708, 710 and 712) assigning priority information to received data packets the priority information determining an order of data packets to be processed;

an internal memory (716; 722) for storing data packets;

a memory manager (726) operable to cause storing data packets in the external memory and to provide data packets in the internal memory for being processed by the processor (col. 4, lines 4-15);

wherein the memory manger (726) provides data packets in the internal memory (716; 722) for being processed by the processor (inherent) subject to the priority information assigned to the data packets (by schedulers 708, 710 and 712).

In response, applicant respectfully asserts that pending claims 1-5 and 16-19 are patentable in view of Richter under 35 USC §102(b) for at least the following reasons.

Richter discloses a digital communication system where multimedia data sources are time multiplexed into a packetized data stream, with each packet having an assigned priority, and the packetized data stream transmitted in substantially the order of assigned priority. Richter at col. 7, line 26, through col. 8, line 53, presents a system overview of transmitter operation. Richter states that packets are generated and accorded priorities based on source. That is, Richter's Fig. 7A shows, and Richter's col. 7 text asserts that audio data from audio source (702), video data from video data source (704) and text/graphics data from text/graphics data source (706), are processed into packets (708), (710) and (712), respectively. As Richter processes the audio, video and text data to reflect their respective sources, by providing the packets of audio, video and text data respective priorities 20, 50 and 180. A write queue (716) holds packets for transmitting over channel (718). Control means (714) is responsive to packet generation (708), (710), (712), placing the packets on write queue (716) to be transmitted by channel (718).

As mentioned, claims 6-11 and 13-15 are cancelled. Independent claims 1 and 16 are amended to better distinguish Richter, in particular, the claimed scheduler (claim 1), and steps of determining a priority of the received data packets, and providing priority information assigned to the data packets and storing links to the data packets in a pointer memory for processing in order based on the assigned priority information (claim 16). Claims 18 and 19 are amended to independent form to recite fully the method steps of independent claim 16, as amended.

As amended, independent claim 1 now recites a data packet processing device for processing data packets received from a network, including: a processor for processing data packets; an interface operable for transmitting data packets to and from an external memory; a scheduler for assigning priority information to received data packets, and based on the assigned priority information determining a priority order of data packets to be processed, and storing links to the data packets in a pointer memory for processing in said priority order; an internal memory for storing data packets; a memory manager operable to cause storing data packets in the external memory and to provide data packets in the internal memory for being processed by the processor; wherein the memory manger provides data packets in the internal memory for being processed by the processor subject to the priority information assigned to the data packets and the links stored in the pointer memory.

Independent claim 16 (and independent claims 18 and 19), as amended, now recite a method for processing a data packet comprising steps of receiving the data packet from a network; storing the data packet in an internal memory; and determining a priority of the data packet and assigning priority information to the data packet, wherein: if the priority information indicating priority of the data packet is high, keeping the data packet in the internal memory for processing as one of the next data packets, and storing a pointer link to the received, stored data packet in a

pointer memory to facilitate processing the data packet in its assigned priority order; and wherein: if the priority information indicating priority of the data packet is not high, transferring the data packet to external memory, and storing a pointer link to the received, stored data packet in a pointer memory to facilitate processing the data packet in its assigned priority order.

While the Examiner asserts that Richter includes applicant's claimed scheduler by Richter's **elements 708, 710 and 712**, to support anticipation of independent claim 1, and includes applicant's claimed step of determining a priority of the received data packet and assigning priority information, to support anticipation of independent claim 16, applicant does not find the claimed scheduler or sep of determining a priority. Richter's **element (708)** is a packet with priority 20, sampled from **audio data source (702)**. Richter's **element (710)** is a packet with priority 50 sampled from **video source (704)**. Richter's **element (712)** is a packet with priority 180 sampled from **text/graphics source (706)**.

The combination of Richter's **elements (708), (710) and (712)** is not equivalent to applicant's scheduler as required by independent claim 1, or the step of determining a priority of independent claims 16, 18 and 19. For that matter, nowhere does Richter teach or suggest that the use of a scheduler for scheduling processing based on priority whereby a pointer memory storing pointers, or links to the data packets to be processed in the priority order. Richter's **elements (708), (710) and (712)** are not schedulers, and are not believed to be associated with a pointer memory for use by a memory manager, as claimed.

Accordingly, applicant respectfully asserts that independent claims 1 and 16, as amended, and newly independent claims 18 and 19, as amended, are not anticipated by Richter under 35 USC §102(b). Claims 2-5 depend from amended independent claim 1, and are patentable therewith, and claim 17 depends from amended independent claim 16, and patentable therewith.

Applicant, therefore, respectfully requests withdrawal of the rejection of claims 1-5 and 16-19 over Richter under Section 102(b).

Conclusion

Applicant concludes that each of pending claims 1-5 and 16-19, as amended hereby, fully comply with 35 USC §112, second paragraph, and are patentable under 35 USC §102(b) over Richter. Applicant therefore requests withdrawal of the rejections under section 102(b) and section 112, second paragraph, and allowance of these claims. If the Examiner believes that a telephone conference with applicant's attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,



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